

REMARKS

Claims 1-3, 5-8, 36-38, and 40-42 remain in the referenced application. Claims 1 and 36-37 have been amended. Claims 4 and 39 have been canceled. Claims 3, 6, 7, 38, 41, and 42 were previously withdrawn from consideration; however, those claims will be reinstated based upon the agreement reached with the Examiner regarding the patentability of claims 1 and 36 as amended.

Claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 stand rejected under 35 U.S.C. §112, first paragraph, based upon Applicant's amendment to the specification on page 5. Applicant respectfully disagrees with the Examiner regarding the above-recited rejection; nevertheless, based upon the agreement reached with the Examiner regarding the patentability of claims 1 and 35 as amended, Applicant has amended the specification to recite the original language. Applicant accordingly respectfully submits the 35 U.S.C. §112, first paragraph, rejection of claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 is now moot. Applicant therefore respectfully requests the withdrawal of the said rejection.

Claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 stand rejected under 35 U.S.C. §112, second paragraph, based upon the term "purified water". Applicant respectfully disagrees with the Examiner regarding the above-recited rejection on the basis that the term "purified water" has been clearly defined in the specification. Nevertheless, as per the agreement reached with the Examiner, claims 1 and 36 have been amended to recite that purified water is water having a lower total dissolved solids reading than the water being filtered. With respect to claims 5-7 and 40-42, those claims further limit claims 1 and 36 by providing ranges for the lower total dissolved solids level in the purified water. Applicant accordingly respectfully submits the 35

U.S.C. §112, second paragraph, of claims 1, 2, 4, 5, 8, 36, 37, 39, and 40 has been overcome and therefore requests the withdrawal of said rejection.

Claims 1, 2, 4, 5, and 8 stand rejected under 35 U.S.C. §102(b) by Hisada et al. (U.S. Patent No. 6,190,557 B1 - hereinafter referred to as Hisada). Responsive to the above-recited rejection and in accordance with the agreement reached with the Examiner, Applicant has canceled claim 4 and amended claim 1 to recite that a filter produces filtered water delivered to an end use device and that the purified water used to clean the filter is water having a lower total dissolved solids reading than the water being filtered. Applicant respectfully submits that Hisada does not disclose cleaning a filter with purified water having a lower total dissolved solids reading than the water being filtered.

Hisada discloses a reverse osmosis (RO) membrane that creates RO water for end use. A portion of the RO water is used to backflush the RO membrane. Hisada accordingly backflushes the RO membrane with RO water created through use of the RO membrane. Hisada accordingly does not disclose a separate filter that produces filtered water delivered to an end use device and a separate source for purified water, which is then used to clean the filter, because the RO membrane disclosed by Hisada is backflushed with its own product. As such, Applicant respectfully submits Hisada does not anticipate amended claim 1 as well as claims 2, 5, and 8.

Claims 36, 37, 39, and 40 stand rejected under 35 U.S.C. §103(a) by Hisada et al. (U.S. Patent No. 6,190,557 B1 - hereinafter referred to as Hisada) in view of McGowan (U.S. Patent No. 6,562,246). Responsive to the above-recited rejection and in accordance with the agreement reached with the Examiner, Applicant has canceled claim 39 and amended claim 36 to recite that a filter produces filtered water delivered to an end use device and that the purified water used to clean the filter is water having a lower total dissolved solids reading than the water being

filtered. As previously argued, Applicant respectfully submits that Hisada does not disclose cleaning a filter with purified water having a lower total dissolved solids reading than the water being filtered. As such, Applicant respectfully submits the above-recited rejection has been overcome because incorporating flowpath switching steps of McGowan into Hisada still does not create a system that includes a separate filter that produces filtered water delivered to an end use device and a separate source for purified water, which is then used to clean the filter. Applicant therefore respectfully submits Hisada in view of McGowan does not render obvious amended claim 36 as well as claims 37 and 40.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims, and earnestly solicits early allowance of the subject application.

Respectfully submitted,

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio, Texas 78205
(210) 472-3535

DATE: 25 January 2006

BY: 


Christopher L. Makay
Reg. No. 34,475

ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated below, addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

Express Mail No. EV 617705734 US Date: 25 January 2006


Christopher L. Makay